

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 16, 2009. At the time of the Office Action, Claims 15-28 were pending in this Application. Claims 15-22 and 24-28 were rejected. Claims 1-14 were previously cancelled without prejudice or disclaimer. Claim 28 is herein amended. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claim 23 would be allowable if written to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. However, Applicants believe that the independent claims are allowable as currently written, and will therefore wait for reconsideration of the remaining claims before taking action regarding allowable Claim 23.

Independent Claims 15, 27, and 28 are Allowable over *Fitton*.

Independent Claims 15, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0028013 filed by Michael Phillip Fitton et al. ("*Fitton*").

Applicants respectfully disagree. The key feature of Applicants' invention -- *reducing the transmit power of the dedicated channels during the transmission of the synchronization channel* -- is not obvious in view of *Fitton*.

The Examiner acknowledges that "*Fitton* fails to teach wherein the transmit power of the dedicated channels is reduced during the transmission of the synchronization channel." (Office Action, page 2). However, the Examiner alleges that "[h]owever, it has been known that during transmission of the synchronization channel, the dedicated channel is silent" and thus "[i]t would have been obvious to have reduced the dedicated channel power during the transmission of the synchronization channel to save resource." (Office Action, page 2).

Applicants object to the Examiner's critical assertion that "**it has been known that during transmission of the synchronization channel, the dedicated channel is silent.**"

The Examiner has provided *no evidence at all* that supports this assertion. In fact, the references cited by the Examiner teaches the exact *opposite* of this assertion -- specifically, the cited references teach that it is known that the synchronization channels and dedicated channels are *active at the same time*.

First, *Fitton* teaches:

[0033] Typical power levels for the dedicated and common channels, as specified by 3GPP, are summarised in Table 1 below (where the figure for SCH is bracketed because PCCPCH and SCH are time multiplexed).

TABLE 1

Physical Channel	Power	% of total energy
CPICH	CPICH_Ec/lor = -10 dB	10%
PCCPCH	PCCPCH_Ec/lor = -12 dB	6.3%
SCH (both primary and secondary)	SCH_Ec/lor = -12 dB	(6.3%)
PICH	PICH_Ec/lor = -15 dB	3.2%
Dedicated channels	Remaining power	80.5%

As stated in paragraph 0033, the primary common control physical channel (PCCPCH) and the synchronization channels (SCH) are time multiplexed. The PCCPCH uses 6.3% of the total energy during transmission of the PCCPCH, and the SCH similarly uses 6.3% of the total energy during transmission of the SCH. It is clear from Table 1 that the dedicated channels use 80.5% of the total energy regardless of whether the PCCPCH or the SCH is currently being transmitted. Thus, *Fitton* clearly teaches that the dedicated channels remain active during transmission of the SCH.

The reference previously cited by the Examiner, *Lundh* (U.S. 6,804,214) teaches:

Since the non-power controlled common channels 320 [which includes the synchronization channel, per col. 5, lines 1-4 of *Lundh*] typically require a high downlink transmitted power per carrier, *the problem with allocating non-power controlled common channels 320 [e.g., the synchronization channel] and dedicated channels 300 to the same carrier* is that the transmit power allocated to the non-power controlled common channels 320 will force the downlink transmit power allocation of dedicated channels 300 to significantly higher power levels, *due to downlink interference*.

Thus, *Lundh* teaches that it is known that the synchronization channels and dedicated channels are active at the same time, otherwise the interference discussed by *Lundh* would not exist.

Thus, the Examiner has provided no evidence to support his claim that “it has been known that during transmission of the synchronization channel, the dedicated channel is silent,” and in fact the references cited in this application teach the exact opposite, as shown above.

For at least the reasons presented above, independent Claims 15, 27, and 28 cannot be obvious in view of *Fitton*. Thus, Applicants respectfully requests reconsideration and allowance of independent Claims 15, 27, and 28, as well as all claims that depend therefrom.

Independent Claim 28 is amended to recite that the dedicated channels is partially reduced during the transmission of the synchronization channel.

In addition to the reasons presented above showing Claim 28 to be allowable (i.e., that the Examiner has provided no evidence to support his claim that “it has been known that during transmission of the synchronization channel, the dedicated channel is silent,” and in fact the cited references teach the exact opposite), Applicants have amended independent Claim 28 to recite:

wherein the base station system is arranged such that the primary common control physical channel and the synchronization channel are transmitted time multiplexed, and the transmit power of dedicated channels is *partially* reduced during the transmission of the synchronization channel.

Thus, even if it were somehow shown that the dedicated channels are silent during transmission of the synchronization channel, that would entail a *complete* reduction of transmission power of the dedicated channels, and not a *partial* reduction of transmission power of the dedicated channels. Thus, Claim 28 would be allowable even if the Examiner could provide evidence that the dedicated channels are silent during transmission of the synchronization channel.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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